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10/589,444

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EXAMINER

CATTUNGAL, AJAY P

ART UNIT

PAPER NUMBER

4173

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,444	<b>Applicant(s)</b> LIN, YANGBO	
	<b>Examiner</b> AJAY P. CATTUNGAL	<b>Art Unit</b> 4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/04/06 and 12/16/07</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action has been examined. Claims 1-12 are pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 3, 5, 12 are rejected under 35 U.S.C. 102(a) as being unpatentable by Ress et al. (US 2005/0135578).

Re claim 1, Ress et al. discloses a method for realizing metering pulses in the Next Generation Network (NGN), comprising the steps of: A. delivering from a media gateway controller to a media gateway a metering pulse information message (Para 26 lines 1-7); B. obtaining by the media gateway the number of metering pulses to be transmitted (Para 34 lines 8-11) and a transmission interval between two adjacent metering pulses according to the information message (Para 26 lines 1-8 and Para 27, 28, 29, 30); and C. transmitting the metering pulses periodically to a user equipment (Para 23 lines 4-9 and Para 25 lines 9-15 teaches facilitating the provision of pulses from the media gateway to the telephony endpoints) according to the obtained number of metering pulses (Para 34 lines 8-11) to be transmitted and transmission interval between two adjacent metering pulses (Para 29).

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Re claim 3, Ress et al. discloses a method, wherein the method further comprises the step of: transmitting the metering pulses according to the transmission interval and the number of the metering pulses to be transmitted as specified by a new metering pulse information message upon the reception of the new metering pulse information message (Para 40 lines 10-18 teaches, that the second phase constitutes to the new metering pulse information message which is transmitted from thereon).

Re claim 5, Ress et al. discloses a method, wherein the user equipment is a digital telephone (Para 22 lines 1-6).

Re claim 12, Ress et al. discloses a method, wherein the information message is a Media Gateway Control Protocol message (Para 80 lines 1-5).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. (US 2005/0135578) in view of Hayes et al. (4,582,957).

Re claim 2, Ress et al. discloses the claimed invention as claimed in claim 1 above. Ress et al. does not disclose a method according to claim 1, wherein the method further comprises the step of: terminating the

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transmission of the metering pulses when the media gateway detects an event or when the media gateway controller delivers an information message for interrupting the metering pulses. However Hayes et al discloses a method according to claim 1, wherein the method further comprises the step of: terminating the transmission of the metering pulses when the media gateway detects an event or when the media gateway controller delivers an information message for interrupting the metering pulses (Col 4 lines 60-67 and Col 5 lines 11-15 teaches that the ringing pulse tone is terminated when the phone goes off-hook, which indicate the controller that send the ringing pulse stops sending the pulse when an event i.e. the phone going off hook, happens). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the metering pulse method of Ress et al with the signal control method of Hayes et al. in order to facilitate efficient metering in a packet network environment.

6. Claims 4, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. (US 2005/0135578) in view of Freyman et al. (US 2004/0028206).

Re claim 4, Ress et al. discloses the claimed invention as claimed in claim 1 above and also teaches a method, wherein if the type of the metering pulses is the Brief signal, the transmission of the metering pulses comes to an end after all the metering pulses, the number of which is as specified, have been transmitted (Para 26 lines 1-8 and Para 27, 28, 29,30 teaches the metering pulse is a brief signal with the particular characteristics. and Para 32 lines 3-4

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teaches that the signal is a finite signal). Ress et al does not teach a method, wherein the type of the metering pulses is an On/Off or Brief signal, and if the type of the metering pulses is the On/Off signal, the transmission of the metering pulses is continued until being terminated. However Freyman et al discloses a method, wherein the type of the metering pulses is an On/Off or Brief signal, and if the type of the metering pulses is the On/Off signal, the transmission of the metering pulses is continued until being terminated (Para 191 teaches of a ON/OFF type signal which is transmitted until discontinued by the ISPAT). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the metering pulse method of Ress et al with the ON/OFF signal method of Freyman et al. in order to facilitate efficient metering in a packet network environment.

Re claim 6, Ress et al discloses the claimed invention as claimed in claim 1 above. Ress et al does not disclose a method, wherein the metering pulses are defined as following: the signal type of the metering pulses is an On/Off signal, and the pulse type and the duration are provision variables; the parameter type of Pulse Count of a first signal parameter is an integer which is the number of pulses, the possible values are non-negative integers and may be default; and the parameter type of Pulse Interval of a second signal parameter is an integer in millisecond, the possible values are positive integers and may not be default. However Freyman et al discloses a method wherein the metering pulses are defined as following: the signal type of the metering pulses is an On/Off signal (Para 191 teaches of a ON/OFF type signal), and the pulse type

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and the duration are provision variables; the parameter type of Pulse Count of a first signal parameter is an integer which is the number of pulses, the possible values are non-negative integers and may be default (Para 123 and 124); and the parameter type of Pulse Interval of a second signal parameter is an integer in millisecond, the possible values are positive integers and may not be default (Para 120 and 143). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the metering pulse method of Ress et al with the using of parameters for ON/OFF signal method of Freyman et al. in order to facilitate efficient metering in a packet network environment.

Re claim 7, Ress et al discloses the claimed invention as claimed in claim 1 above. Ress et al does not disclose a method, wherein the metering pulse information message comprises two parameters and the value of the first parameter indicates the number of the metering pulses to be transmitted; and the value of the second parameter indicates a total duration of the metering pulses to be transmitted. However Freyman et al. discloses a method, wherein the metering pulse information message comprises two parameters, and the value of the first parameter indicates the number of the metering pulses to be transmitted (Para 123 and 124); and the value of the second parameter indicates a total duration of the metering pulses to be transmitted (Para 120 and 143). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the metering pulse method of Ress et al with the using of parameters for ON/OFF signal method of Freyman et al. in order to facilitate efficient metering in a packet network environment.

Re claim 8, note that Freyman et al. discloses a method, wherein the transmission interval between two adjacent metering pulses is: the value of the second parameter divided by the value of the first parameter, in the case the first parameter is larger than zero (Para 126 teaches a formula where the duration of time out signal is equal to the pulse repeat interval of the pulses times the number of pulses, which is equivalent to the formula claimed in claim 8 i.e. pulse repeat interval of the pulses is equal to the signal duration divided by the number of pulses); or the value of the second parameter, in the case the first parameter is zero or unspecified.

Re claim 9, Ress et al discloses the claimed invention as claimed in claim 1 above. Ress et al does not disclose a method, wherein the metering pulse information message comprises two parameters and the value of the first parameter indicates the number of the metering pulses to be transmitted; and the value of the second parameter indicates a transmission interval between the metering pulses to be transmitted. However Freyman et al. discloses a method, wherein the metering pulse information message comprises two parameters (Para 123), and the value of the first parameter indicates the number of the metering pulses to be transmitted (Para 125); and the value of the second parameter indicates a transmission interval between the metering pulses to be transmitted (Para 121). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the metering pulse method of Ress et al with the using of parameters for ON/OFF signal method of Freyman et al. in order to facilitate efficient metering in a packet network environment.



Re claim 10, Ress et al discloses the claimed invention as claimed in claim 1 above and a method, wherein the step of providing in the media gateway(Para 126 lines 1-7). Ress et al does not disclose a method, wherein providing in the media gateway the number of the metering pulses to be transmitted and the transmission interval between two adjacent metering pulses. However Freyman et al. discloses a method, wherein providing in the media gateway the number of the metering pulses to be transmitted (Para 124) and the transmission interval between two adjacent metering pulses (Para 121). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the metering pulse method of Ress et al with the using of parameters for ON/OFF signal method of Freyman et al. in order to facilitate efficient metering in a packet network environment.

Re claim 11, note that Freyman et al. discloses a method, wherein steps of: configuring the provision number of the metering pulses to be transmitted (Para 124) and interval between adjacent metering pulses (Para 121) in a plurality of groups, and selecting one among the groups according to an indication of the metering pulse information message(Para 77 lines teaches that the device could be configured to have different types of configuration dependent of the parameters that are provided to it. It also teaches that the device is capable to be configured to implied values (i.e. not stated values), thus the device could be configured to any specified functionality).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY P. CATTUNGAL whose telephone number is (571)270-7525. The examiner can normally be reached on Monday-Friday 7:30 - 5:00, Alternating Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee Lee can be reached on 571-292-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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